

**MAINE FIRE PROTECTION SERVICES COMMISSION  
MEETING MINUTES  
DECEMBER 1, 2003 (amended)**

Chief Darrel Fournier called the Maine Fire Protection Services Commission to order at 1:00 p.m. in the Maine Emergency Medical Services conference room, 16 Edison Drive, Augusta, Maine. Members present were Michael Albert, Jack Berry, Representative Thomas Bull, Chief Jeffrey Cammack, John Cannon, Art Cleaves, John Dean, Representative Robert Duplessie, Chief Darrel Fournier, Albert Godfrey, Sr., Senator Richard Nass, Chief Jethro Pease, David Wacker, Drexel White (for Jay Bradshaw), Steve Willis and Susan Pinette (staff). Members excused from the meeting were Edward Johnston and Geoffrey Maker. Members absent included Representative Patricia Blanchette, Senator Bruce Bryant, Harty Norris and Bill Williams. Lt. Hank Foster of the Scarborough Fire Department and Nicole Dube of the Maine Legislature's Office of Policy and Legal Analysis attended the meeting as guests of the Fire Commission.

Members discussed the correct method of recording members' attendance at meetings. There was some confusion regarding whether members be recorded as absent or excused. The Fire Commission agreed to the following clarification:

Members will be noted as excused rather than absent with proper notification.

***A motion by Tom Bull, seconded by Al Godfrey, to accept the minutes of November 3, 2003.*** The motion passed unanimously.

**Reports of Committees**

The Training Facilities Committee met on December 1, 2003 at 10:00 a.m. in the Maine Emergency Medical Services conference room. The committee reports that they are preparing a final report to the Fire Commission and anticipate a final draft to be approved at the January 2004 meeting.

The Spring conference committee informed the Fire Commission on their progress. The conference, to be known as the Blaine House Conference on Emergency First Response, will take place at the Augusta Armory on Wednesday, March 11, 2004. Plans include morning and afternoon sessions and a luncheon with Governor Baldacci as featured speaker. The committee has contacted Homeland Security Secretary Tom Ridge and Senator Susan Collins as possible keynote speakers, but does not have final commitments. Another suggestion for keynote speaker was Superintendent Onieal of the National Fire Academy, however he would require the Fire Commission to pay his travel expenses.

***A motion by Al Godfrey, seconded by Mike Albert, to ask Superintendent Onieal of the National Fire Academy to attend the Spring conference on March 11, 2004 as keynote speaker and to***

***reimburse all travel expenses incurred by Superintendent Onieal*** The motion passed with two members opposed (Chief Jeff Cammack and Chief Jethro Pease).

Fire Commission members continued discussing plans for the Spring conference including suggestions for the afternoon workshops. Members agreed to limit the workshops to four categories, including recruitment and retention issues, firefighter safety and terrorism emergency first response. Members discussed distributing a flyer and registration form by January 2004. Flyers will be given to the Professional Fire Fighters of Maine, Maine State Federation of Fire Fighters and Maine Fire Chiefs to distribute to their memberships. Notice and the registration form for the Spring conference will also be posted on the Fire Commission's website. The State Fire Marshal's Office has agreed to handle the registration forms.

***A motion by Bob Duplessie, seconded by Jack Berry, to charge a registration fee of \$20.00 per person for the Spring conference.*** The motion passed unanimously.

Fire Commission members received a nomination for Gary Cole and the Gary Cole Foundation to receive a Best Practices award for 2003. Members suggested there were additional worthy recipients the Fire Commission should consider and Chair Fournier suggested the following:

- The Best Practices committee will review the nominations of the Gary Cole Foundation and other nominees prior to the January 2004 meeting
- The committee will send the reviewed nominations to members via email.
- Members will vote via email on the nominations.

### Old Business

Members learned of a potential conflict with the Tuesday, January 20, 2004 date of the Fire Service/EMS day at the State House. Governor Baldacci's State of the State address has been scheduled for 7:00 p.m. on the 20<sup>th</sup> and the Legislature will convene at 4:00 p.m. rather than the previously scheduled 10:00 am. Members discussed alternate dates and the advantages and disadvantages of proceeding with the scheduled date, including reduced numbers of legislators and Governor Baldacci's absence.

***A motion by John Cannon, seconded by Steve Willis, to move the Fire Service/EMS day at the State House to the afternoon of Tuesday, January 20, 2004.*** The motion is defeated.

Fire Commission members decided to cancel the Fire Service/EMS Day at the State House on January 20<sup>th</sup> and combine the proposed activities with the Spring conference schedule. Members agreed that focusing on one event would be beneficial and for future planning purposes, the Fire Commission will

schedule the Fire Service/EMS Day at the State House during the first regular session (odd years) and the Spring conference during the second session (even years). Fire Commission members further discussed altering the plans for the Spring conference to include the displays originally planned for the Fire Service/EMS Day. Members agreed to ask the PFFM, MSFFF, Maine Chiefs, SFMO, MFT&E, Forest Service, Bureau of Labor Standards, and MEMS to participate in the Spring conference. Members also agreed to solicit additional organizations and groups and these various displays would be featured during the morning program. Members did agree that vendors would not be asked to participate.

***A motion by Steve Willis, seconded by Richard Nass, to have Governor Baldacci present the Best Practices award at the Spring conference luncheon.*** The motion passed unanimously.

Fire Commission members continued the discussion of the use of lights and sirens by volunteer firefighters on their personal vehicles. The Maine Legislature's Transportation committee asked the Fire Commission to report their findings and recommendations on the issue. Nicole Dube, analyst for the Transportation committee, and Lt. Hank Foster of the Scarborough Fire Department joined the Fire Commission for the deliberations. A summary of the presentation and discussion of the lights/sirens issue at the November meeting was distributed to members.

***A motion by Jethro Pease, seconded by Al Godfrey, to make the summary "Use of Lights and Sirens on Personal Vehicles Used by Volunteer Emergency Responders" a part of the Fire Commission record.*** (Attachment 1) The motion passed unanimously.

Fire Commission members received proposed revisions to Title 29-A, Section 2054, the statute that governs the use of lights/sirens on vehicles, from Lt. Foster.

***A motion by Tom Bull, seconded by Jeff Cammack, to limit amber lights in the rear of the vehicle and to the use of the amber lights to "on scene" only. The motion is amended by Tom Bull, seconded by Jeff Cammack, to strike the "rear of the vehicle".*** The amended motion passes with two members opposed (Jack Berry and Darrel Fournier)

***A motion by Tom Bull, seconded by Richard Nass, to accept the proposed revision to Title 29-A, Section 2054, F-2.*** The motion passed with one member opposed. (Mike Albert)

Nicole Dube agreed to review the Fire Commission's proposed changes and prepare language consistent with Maine law for the report.

A draft of the Fire Commission's annual report was distributed to members. Members will email any revisions and additions to staff to include in the next draft.

### New Business

Fire Commission members were informed of two department bills of interest the State Fire Marshal's Office would be submitting in the second legislative session beginning in January 2004. The first bill amends the laws regarding fireworks displays and pyrotechnic shows at indoor events. A 20-day notice would be required and the event must be monitored by the SFMO. The second bill deals with clarifying the authority and responsibilities of the SFMO.

***A motion by Jack Berry, seconded by Al Godfrey, to support the State Fire Marshal Office's two proposed bills.*** The motion passed unanimously.

Members also learned the Health and Human Services committee would be holding a public hearing on LD 1127 "*An Act to Require Fire Safe Cigarettes in the State*" sponsored by Representative Bull on December 17, 2004. Members also discussed proposed changes to MEMS licensing fees.

***A motion by Jethro Pease, seconded by Dave Wacker, to send to the Health and Human Services committee a letter in support of LD 1127 "An Act to Require Fire Safe Cigarettes in the State".*** The motion passed unanimously.

***A motion by Jethro Pease, seconded by Mike Albert, to support the repeal of the \$15.00 fee used for background checks.*** The motion passed with two members opposed (Tom Bull and Bob Duplessie)

Fire Commission members agreed to the following meeting schedule:

Monday, January 5, 2004	1:00pm	Regular Meeting	MEMS
Monday, February 2, 2004	1:00pm	Regular Meeting	MEMS
Monday, March 1, 2004	1:00pm	Regular Meeting	MEMS

With no further business to come before the Maine Fire Protection Services Commission, Chair Fournier adjourned the meeting at 3:13 p.m.

Respectfully submitted

## Attachment 1

### The Use of Lights and Sirens on Personal Vehicles Used by Volunteer Emergency Responders

November 2003

The Transportation Committee has requested that the Maine Fire Protection Services Commission submit a report on the issue of the use of light and sirens on personal vehicles used by volunteer emergency responders and this report should include the Fire Commission's finding regarding the impact of allowing volunteer firefighters and EMS personnel to use additional lights and sirens on personal vehicles as well as policy recommendations. Last session, two bills dealing with the lights/sirens issue came before the Transportation committee. LD 111 "*An Act to Allow Volunteer Firefighters to Use Flashing Red Lights When Responding to a Fire*" and LD 493 "*An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and Emergency Medical Services Personnel*" received unanimous recommendations of ONTP (ought not to pass). The Fire Commission heard a presentation by Lt. Hank Foster, a 25 year fire service veteran, and Representative Albion Goodwin of Pembroke, sponsor of LD 111. The following summarizes the comments by Lt. Foster, Rep. Goodwin and Fire Commission members at the November 3, 2003 meeting as well as a summary of the March 7, 2003 public hearing before the Transportation committee.

#### **Proponents**

- More lights reduce response times of emergency personnel
- Lack of adequate audible and optical warning devices on personal vehicles endangers emergency responders
- Victims of emergencies are also endangered because of delayed arrival times
- Personal vehicles are needed to mark the scene and detours due to the lack of adequate personnel
- Emergency responders applying for permits to display lights/sirens would be required to be at least 21 years of age, have three years of fire service experience and pass a 16 hour Maine certified Emergency Vehicle Operator or Emergency Ambulance Operator's course
- Maine is the only state in Northern New England that does not permit some form of emergency vehicle privilege for emergency responders.

## **Opponents**

- Lack of data to support the claim that more lights equals better response times
- Fear that the public will be overwhelmed with expanded use of sirens and lights and not respond, thereby decreasing the effectiveness of the lights and sirens
- Concern about encouraging more personal vehicles on the scene and cluttering the area
- Using personal vehicles not designed to be operated as emergency vehicles may cause increase safety risks for drivers and the public
- Potential misuse of additional lights and sirens by some volunteers
- Liability costs to municipalities may increase due to more personal vehicles on the road

## **Additional Comments and Questions**

- Must have accurate data to support conclusions.
- There are different problems depending on the location. Need to seek a statewide solution.
- The Fire Service is divided on this issue, although there seems to be consensus on the need to update Maine law to reflect the new technologies.
- Comparisons made with flagger deaths and the need for improved illumination at night. Follow the minimum DOT requirements.
- Other alternatives need to be explored rather than increasing lights and sirens.
- Two separate issues need to be addressed: 1) Responding to the scene with more lights and sirens 2) Marking the area after arriving at the scene
- Does current Maine law allow for amber lights to be mounted on the roof? Permanent or temporary?
- Does current law prohibit the mounting of any light to the roof? Permanent or temporary?
- Is there any current training requirement for individuals whose personnel vehicles are allowed lights and sirens?
- Current law states “...any vehicle engaged in emergency rescue...” can display amber lights. Does *en route* mean *engaged*? What about private vehicles at the scene?
- Do the new lights that are available violate existing law?

